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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,758	07/15/2003	Christopher Vienneau	30566.335-US-01	7388

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EXAMINER
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AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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10/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,758	<b>Applicant(s)</b> VIENNEAU ET AL.	
	<b>Examiner</b> NICHOLAS AUGUSTINE	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- A. This action is in response to the following communications: Amendment filed: 07/14/2010. This action is made **Final**.
- B. Claims 1-32 remain pending.

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#### ***Claim Objections***

- C. Claim 25 is objected to because of the following informalities: refers to the apparatus of claim 23 when claim 23 is a method claim. Appropriate correction is required.

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#### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: As for claims 1, 14, 27 and 31 the terms “two-dimensional (2D) image frame” and “2D user input” and for claims 31-32 the term “computer-readable medium” .

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#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 14, 27 and 31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for par.51 of PG Pub 2004/0051728; wherein par.51 describes "application data", does not reasonably provide enablement for "generating a two-dimensional (2D) image frame..."; "first 2D user input data"; "wherein said first 2D user input data comprises x, y coordinate input data". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The specification does not define or makes use of the terms "first two-dimensional image frame". Applicant provides in remarks a mapping to the specification stating that two-dimensional information is mapped to the term "application data". In paragraph 51 of the PG-Pub it is defined that the application data 403 includes node data 406-411 to be processed in order to generate the current image frame (wherein the first limitation is the generation of an image frame). Thus the image frame is made up of application data 403 which is made up of at least node data 406-411. Paragraph 52 defines node data, i.e. 406 as being three-dimensional data **not** two-dimensional data. Throughout the whole disclosure the invention is concerned with three-dimensional space (for example par. 52,53, 71-73, 79-83, 98, 102, 122-124...), one of ordinary skilled in the art would not have been able to make and use this invention to encompass only 2D image frames in a 2D space when the entire disclosure is concerned with functionality for 3D image frames in a 3D space.

***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Grinstein, Georges G et al. (US Pat. 6,714,201 B1), herein referred to as "Grinstein".

**Summary:** *Grinstein discloses a user interface displaying a single frame of an animation file applied to a 3D hierarchical graphic model. These motion animation files can be manipulated by the user through use of interacting with the 3D model or the tree view that represents the hierarchical graphic model of the 3D model.*

**As to independent claims 1, 14, 27 and 31** (e.g. apparatus, method, system, computer-readable medium, etc), Grinstein teaches apparatus for processing image data (col.74, line 43 - col.75, line 29) comprising processing means, input means and display means (col.68,lines 37-57), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure (*col.55,lines 1-10; nodes displayed in tree view window 530*) and said processing means is configured to perform the steps of: generating a first image frame of a clip of image frames wherein a plurality

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of image components makes up the first image frame by means of processing said plurality of data processing nodes (*col.53,lines 13-20; the Mojo gui window provides a 3d hierarchical graphic model that is capable of showing animation (known as a group of frames; col.6,lines 12-23 and Table 2 shows evidence that these 3D models correspond to frames of animation "image frame of a clip of image frames") within the window 503 where the user may interact with the 3d hierarchical graphic model and the corresponding tree view to manipulate animations*); outputting said first image frame to said display means (*figure 34; depicts the display of the 3d hierarchical graphic model and tree view of nodes corresponding to 3d model for the current animation frame of frames the user is editing or viewing*); receiving, via said input means, first user input data indicating one of said plurality of image components (*col.55,lines 43-52*), wherein said first user input data comprises x, y coordinate input data (*fig.16; col.50, line 50; wherein the use is able to input x and y coordinate only as well as input other information such as z, other and random coordinate information*); in response to said receiving, automatically selecting a first data processing node considered to be appropriate to said indicated component (*col.55,lines 43-60*) displaying editing tools relevant to said first data processing node; and outputting said second image frame to said display means (*col.55,line 61- col.56,line 24; the user is able to select a node or object and be given a pop-up dialog box displaying edit tools to be chosen and manipulated by the user*).

Grinstein teaches computer-readable medium comprising a computer program storage device storing instructions that when read and executed by a computer, results in the

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computer performing a method for processing image data (col.68,lines 37-67; various examples of multiple platforms at which the system may be implemented on and how the system is implemented).

As to dependent claims 2 and 15, Grinstein further teaches the first data processing node is in a sub-structure of said hierarchical structure that defines said component (figure 34; depicted are nodes in a hierarchical list having parent and child nodes, objects depending on other objects having their own hierarchical structure (col.55, lines 16-36)).

As to dependent claims 3 and 16, Grinstein further teaches the sub-structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (col.55,lines 16-36; figures 34,36-38,46).

As to dependent claims 4, 17 and 28, Grinstein further teaches processing means selects said first data processing node by performing the following steps: identifying one of the plurality of data processing nodes that defines said component; defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes; identifying the layer that includes said identified data processing node; and selecting the top node of said identified layer (col.56,lines 47-55).

As to dependent claims 5, 18 and 32, Grinstein further teaches the processing means selects said first data processing node by performing the following steps: identifying one of the plurality of data processing nodes that defines said component; defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes; identifying the layer that includes said identified data processing node; .and selecting a bottom node of said identified layer (figure 34; col.55,lines 42-60 the user is able to select any portion of the model, parent or child node (col.57, lines 8-26).

As to dependent claims 6 and 19, Grinstein further teaches the processing means selects said first data processing node by performing the following steps: identifying one of the plurality of data processing nodes that defines said component; selecting the closest node above said identified node that has the same parent node as at least one other node (col.56,lines 47-55).

As to dependent claims 7 and 20, Grinstein further teaches in response to first further user input data said processing means performs the following steps: selecting a portion of said hierarchical structure that is considered appropriate to said selected component and contains said first data processing node; generating third image data comprising a depiction of said portion; and outputting said third image data to said display means (col.56,lines 52-55; bounding box would cover everything in the running man model above his pelvis).



As to dependent claims 8 and 21, Grinstein further teaches the third image data further includes a display of parameters relating to said first data processing node (col.57,lines 47-51).

As to dependent claims 9 and 22, Grinstein further teaches the said portion of said hierarchical structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (figure 35; tree view shows connection of related nodes (parent to child relationships).

As to dependent claims 10, 23 and 29, Grinstein further teaches in response to second further user input data indicating navigation through said hierarchical structure said processing means performs the following steps: selecting a second data processing node; generating a fourth image frame comprising said plurality of components and tools relevant to said second data processing node; and outputting said fourth image frame to said display means (col.56,lines 52-55; bounding box would cover everything in the running man model above his pelvis; user is able to select any portion of the model in which case the parent node when selected covers all child nodes as well).

As to dependent claims 11 and 24, Grinstein further teaches the second data processing node is connected in said hierarchical structure to said first data processing

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node if said further user input data indicates vertical navigation (col.67,lines 59-67; dragging from parent to parent node).

As to dependent claims 12 and 25, Grinstein further teaches the second data processing node has the same parent node as said first data processing node if said further user input data indicates horizontal navigation (col.67,lines 59-67; dragging from child to child node).

As to dependent claims 13 and 26, Grinstein further teaches the second data processing node is of a comparable data type to said first data processing node, but defines a different one of said plurality of components from said indicated component if said further user input data indicates horizontal navigation (col.67,lines 59-67; col.68,lines 1-24).

As to independent claim 30, The rejection is as the same as the rejection of independent claims 11, 12 and 13 above.

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**(Note:)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments filed 07/14/2010 have been fully considered but they are not persuasive.

A1. Applicant argues newly added limitation.

R1. Examiner notes the newly added 112 rejection regarding the new matter added to the claim language. One claim limitation added to the 102 rejection was "wherein said first user input data comprises x, y coordinate input data" (with absence of the term "2D" which is mentioned in the 112 rejection. The prior art teaches this limitation at (fig.16; col.50, line 50; *wherein the use is able to input x and y coordinate only as well as input other information such as z, other and random coordinate information*).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/  
Examiner  
Art Unit 2179  
September 28, 2010

/Weilun Lo/  
Supervisory Patent Examiner, Art Unit 2179